

IN THE _____ COURT OF _____ (County), _____ (State)

PLAINTIFF

(Name of Plaintiff)

V.

CAUSE NO. _____, _____

DEFENDANT

(Names of Defendants)

COMPLAINT

COMES NOW _____ (Name of Plaintiff), Plaintiff in the above-styled and numbered cause, by and through his attorney, and files this his Complaint against Defendant, _____ (Names of Defendants), and in support thereof would show unto the Court the following matters and facts:

1. Plaintiff is an adult resident citizen of _____
(city, county, state).

2. Defendant _____ (Name of Defendant Owner), is the Owner of a Golf Driving Range at _____
_____ (street address, city, state, zip code), and is a corporation organized and existing under the laws of the state of _____, with its principal office located at _____ (street address, city, state, zip code), and is referred to herein as *Defendant Owner*.

3. Defendant _____ (Name of Defendant) is an adult resident citizen of _____ (city, county, state), and hereinafter called *Defendant Patron*.

4. In the conducting of the business of the Driving Range, Defendant Owner rented to patrons, in exchange for a designated fee paid by patrons to Defendant Owner, a certain number of golf balls, and furnished patrons with golf clubs, or permitted patrons to use their own golf clubs, for the purpose of permitting patrons to drive golf balls from a designated tee into an open field known as the driving range. Defendant Owner further provided separate tees on the premises for use of each patron, and the driving range was at a place removed from the part of the premises designated for the parking of automobiles and for the ingress and egress of members of the public and prospective

patrons. Defendant Owner further provided a place on the premises for the parking of automobiles and also a place for approaching a sheltered building designated by Defendant Owner for the purpose of procuring golf balls and paying fees.

5. On _____ **(date)**, at approximately _____ **(time)** Plaintiff, in the company of his spouse and others, entered Defendant's premises for the purpose of renting and driving golf balls. Plaintiff's spouse procured some golf balls from Defendant Owner and paid the Defendant the designated fee at the sheltered building.

6. Subsequently, Plaintiff left his Spouse's automobile and was proceeding with due care from the parking area toward the sheltered building. When Plaintiff was at a distance of more than feet from the nearest tee, Defendant Patron swung a golf club and negligently and carelessly struck Plaintiff and injured Plaintiff in the manner described below.

7. The injuries to Plaintiff were proximately caused by the negligence and carelessness of Defendants, and each of them.

8. The negligence and carelessness of Defendant Owner consisted of the following:

A. Defendant Owner failed to erect any signs warning or cautioning persons not to swing golf clubs in places other than tees designated for those purposes;

B. Defendant Owner permitted Defendant Patron to select golf clubs and "test his swing" in front of the sheltered building and away from tees designated for those purposes;

C. Defendant Owner failed to warn Plaintiff and other persons entering the premises of the dangers created by the conduct of Defendant Patron; and

D. Defendant failed to inspect and supervise the premises properly and to prevent such dangerous conduct on the part of Defendant Patron.

9. The negligent and careless conduct on the part of Defendant Patron proximately contributed to Plaintiff's injuries and consisted of the following: Defendant Patron knew, or should have known in the exercise of ordinary care, that Plaintiff or other persons would pass through the area for the purpose of arriving at the driving tees. Defendant Patron failed to look to determine whether Plaintiff or any other person was approaching him, and swung the golf club and thereby struck Plaintiff with the club.

10. As the proximate result of the conduct of Defendants, and each of them, Plaintiff received the following injuries: **(allege injuries and damages)** _____

WHEREFORE, Plaintiff requests judgment against Defendants, jointly and severally for:

1. Damages in the amount of \$_____, with interest on such amount as allowed by law from _____ **(the date of judgment or specify other date)** until paid;
2. Costs of this action; and
3. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

(Name of Plaintiff)

By: _____
(Name of Plaintiff's Attorney)
State Bar No. _____

His Attorney

OF COUNSEL:

(Name of Plaintiff's Attorney)
Post Office Box _____

(City, State, Zip Code)
Telephone: _____